

MINUTES  
HAMILTON COUNTY BOARD OF COMMISSIONERS  
APRIL 13, 2009  
Commissioners Courtroom  
One Hamilton County Square  
Noblesville, Indiana

The Hamilton County Board of Commissioners met in Executive Session in Conference Room 1A at 1:00 p.m. President Holt called the public session to order at 1:52 p.m. declaring a quorum present of Commissioner Christine Altman, Commissioner Steven C. Dillinger, and Commissioner Steven A. Holt. Holt led the Pledge of Allegiance.

**Approval of Minutes**

Dillinger moved to approve the minutes of March 23, 2009. Altman seconded as amended. Altman's amendment – under the Transit discussion she requested the following wording be added – “after she arrived at the State House” after the word transit and “his staff stated that he” after Kenley. Motion carried unanimously.

Dillinger moved to approve the minutes of March 27, 2009. Altman seconded. Motion carried unanimously.

**Executive Session Memorandum**

Altman moved to approve the Executive Session Memoranda of April 8, 2009. Dillinger seconded. Motion carried unanimously.

Altman moved to approve the Executive Session Memoranda of April 13, 2009. Dillinger seconded. Motion carried unanimously.

**HIGHWAY BUSINESS [1:54]**

**Acceptance of Bonds/Letters of Credit – Highway Department**

Mr. Jim Neal requested the acceptance of Bonds and Letters of Credit for the highway department. Dillinger moved to approve. Altman seconded. Motion carried unanimously.

- HCHD #B-09-0007 – Continental Casualty Company Performance Bond #929473252 issued on behalf of Asphalt Materials, Inc. in the sum of \$25,000 for asphalt plant pick-up materials, to expire March 29, 2010.
- HCHD #B-01-0054 – Liberty Mutual Insurance Company Annual Permit Bond Continuation Certificate #017005617 issued on behalf of Verizon North Inc., in the sum of \$25,000 for annual permit bond, term is indefinite.
- HCHD #B-90-0031 – Fidelity and Deposit Companies Annual Permit Bond Continuation Certificate #30206720 issued on behalf of Indianapolis Power & Light Company for working in county right of way. Bond will expire August 21, 2009.
- HCHD #B-05-0023 – Marathon Petroleum Company LLC Continuation Certificate for Supply Bond #6268989 issued on behalf of Marathon Ashland Petroleum in the sum of \$25,000 for annual bid of delivered liquid asphalt to expire April 1, 2010.

**Release of Bonds/Letters of Credit – Highway Department**

Neal requested the release of Bonds and Letters of Credit for the highway department. Altman moved to approve. Dillinger seconded. Motion carried unanimously.

- HCHD #B-08-0006 – Continental Casualty Company Performance Bond #929448066 issued on behalf of Asphalt Materials, Inc. for furnishing liquid asphalt for the term of March 1, 2008 through February 28, 2009.

**AGREEMENTS/SUPPLEMENTS**

**Small Structure #31022, 256<sup>th</sup> Street over Ross Ditch**

Neal requested approval of Supplemental Agreement 1, HCHD #E-08-0010, with DLZ Indiana LLC for replacement of Small Structure #31022, carrying 256<sup>th</sup> Street over Ross Ditch. The agreement adds revision to preliminary plans and benchmark elevation determination. When the project is finished the consultant will establish the benchmark elevations. This has typically not been included in our agreements, but it is a term of the County Surveyor's office. Neal stated the benchmark portion of the agreement is a not to exceed amount of \$2,500. Altman asked if we have a Surveyor's staff member that could perform this function? Neal stated yes, it requires a licensed surveyor. Altman asked whose budget should this be taken from and how many times will we be doing this? Mr. Brad Davis stated any structure that has a benchmark that is disturbed during construction has to be re-set and the elevations verified. Neal stated if the agreement is approved today he can have the contractor hold on this part of the contract as this will be the last thing done on the job. Altman stated if this is going to be a routine function that we can do in-house, we should be doing it in-house. Neal stated the other cost of this agreement is \$8,700 for plan revisions. Altman moved to approve the contract with the provision on the benchmark relocation to be removable at our option. Dillinger seconded. Motion carried unanimously.

**106<sup>th</sup> Street and Ditch Road Right of Entry**

Neal requested approval of a Right of Entry with Sexton Development, LLC for improvement of the intersection of 106<sup>th</sup> Street and Ditch Road. Dillinger moved to approve. Altman seconded. Motion carried unanimously.

**BID OPENINGS [2:00 p.m.]**

**Rental of 4-H Storage Buildings**

Ms. Kim Rauch reported no bids were received for the rental of the 4-H Storage Buildings.

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**Annual Salt Bid**

Mr. Michael Howard opened the annual bids for highway salt. Form 06/03, Non-Collusion Affidavit, and Acknowledgement of Addendum were received unless otherwise noted. All Hamilton County municipalities are joining in this bid.

- Cargill Inc. - \$78.50 per ton.
- Central Salt, LLC – letter notifying the Board that they are not submitting a bid.

Holt asked why Morton Salt did not bid? Davis stated they sent a letter stating they were not bidding because they do not supply treated salt. Currently there is only one supplier of treated salt. Altman asked how does this bid compare to last year's bid? Davis stated last year we paid \$58.72 per ton. Many municipalities could not get a bid for salt this year. Some bids were over \$100 per ton. The price increase is due to bad weather throughout the country and supply was not able to meet the demand. INDOT (Indiana Department of Transportation) is trying to work out the details that will allow all local governments to go under one bid. Davis would like to accept the bid. Dillinger moved to approve. Altman seconded. Motion carried unanimously.

**96<sup>th</sup> Street and Mollenkopf Road Condemnations**

Neal requested approval to begin condemnation proceedings on the following parcels for the 96<sup>th</sup> Street and Mollenkopf Road intersection project. Dillinger moved to approve. Altman seconded. Motion carried unanimously.

- Parcel 06 – Randall L. Campbell and Lola L. Campbell (Hamilton County)
- Parcel 07 – Randall L. Campbell and Diana L. Campbell (Hamilton County)
- Parcel 08 – Jason Scott & Arika Armour (Hamilton County)
- Parcel 13 – Billy J. & Betty L. Schelske (Hamilton County)
- Parcel 16 – Mildred J. Wood (Hamilton County)
- Parcel 19 – Jetty L. & Lynn A. Hupp (Hamilton County)
- Parcel 22 – Daniel S. & Judy A. Beasley (Marion County)

**Right of Way Certifications**

Neal requested approval of Right of Way Certifications (No Right of Way Needed) to qualify for participation in construction costs from the American Recovery and Reinvestment Act (ARRA) funds. Altman moved to approve. Dillinger seconded. Motion carried unanimously.

- 116<sup>th</sup> Street Preventive Maintenance Project
- 146<sup>th</sup> Street Preventive Maintenance Project
- Cumberland Road Preventive Maintenance Project
- Olio Road Preventive Maintenance Project
- Towne Road Preventive Maintenance Project
- Mule Barn Road Preventive Maintenance Project
- 146<sup>th</sup> Street Preventive Maintenance Project
- 234<sup>th</sup> Street Preventive Maintenance Project
- Bridge #611 Preventive Maintenance Project
- Programmatic Sign Improvement Project

**Title Sheets**

Neal requested an amendment to the agenda to add a Title Sheet for the 96<sup>th</sup> Street and Mollenkopf intersection improvement project. Altman so moved. Dillinger seconded. Motion carried unanimously.

- Bridge #23, Joliet Road over Woodruff Branch
- Small Structure #31002, 216<sup>th</sup> Street over Finley Creek
- Small Structure #33025, 291<sup>st</sup> Street over Bear Creek
- Small Structure #33027, 291<sup>st</sup> Street over West Fork of Bear Creek
- 96<sup>th</sup> Street and Mollenkopf Road Project.

Altman moved to approve all Title Sheets. Dillinger seconded. Motion carried unanimously.

**Request to Advertise**

Neal requested permission to advertise for bids, to be opened May 11, 2009, for the following projects:

- Bridge #23 Replacement, Joliet Road over Woodruff Branch. Altman moved to approve. Dillinger seconded. Motion carried unanimously.
- Small Structure #31002 (Bridge #215) 216<sup>th</sup> Street over Finley Creek. Altman moved to approve. Dillinger seconded. Motion carried unanimously.
- Small Structure #33025, 291<sup>st</sup> Street over Bear Creek and Small Structure #33027, 291<sup>st</sup> Street over West Fork Bear Creek. Altman moved to approve. Dillinger seconded. Motion carried unanimously.

**Olio Road Corridor Study**

Neal distributed copies of the Public Information Meeting Summary on the Olio Road Corridor Study.

**106<sup>th</sup> Street and Shelborne Road**

Neal asked if the Commissioners want any design changes to the 106<sup>th</sup> Street and Shelborne Road project? Dillinger moved that no design changes be made to the project. Altman seconded. Motion carried unanimously.

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**Olio Road/I-69 Project**

Neal requested permission to add a Bid Alternate to the Olio Road/I-69 Project, texturing for the MSE retaining walls. Currently the design is a flat finish, for approximately \$1.00 per square foot there can be a texturing applied to make the walls look like stone. Neal will present samples to the Commissioners before the project goes to bid. Altman so moved. Dillinger seconded. Motion carried unanimously. Altman requested Neal also present information on durability and maintenance.

**Bid Award – Annual Salt Bid**

Davis requested the bid for the annual salt bid be awarded to Cargill, Inc. and signature on Form 06/03. There is a \$2.00 per ton discount if we take delivery before December 1, 2009. This would make the per ton cost \$76.50. Dillinger moved to approve. Altman seconded. Motion carried unanimously.

**Stimulus Project List**

Davis presented the list of MPO (Metropolitan Planning Organization) stimulus projects. Hamilton County was awarded funding for the bridge overlay project of Cumberland Road over White River at a cost of approximately \$700,000. The rest of the approved projects are pavement preservation paving projects estimated at \$1.4 million for a total of approximately \$2 million of the \$39 million package that will be distributed by the MPO awarded to Hamilton County. Davis stated there is a list of reserved projects that the MPO has requested comments on within the next two (2) weeks. In the event some of the projects on the approved list are not ready or can not become ready or there is a redistribution of funds that other locations can not use, then there will be projects ready to go. The MPO wants to vote on the reserved list in May.

Davis stated IndyGo has \$10 million in reserve projects requested on the reserve list for transit funds. Davis does not know if there will be additional transit funds coming to Indiana. Davis recommended the Commissioners submit a transit project for the reserve list. Holt stated the reserve list only contains projects that met the criteria. Davis stated each State has up to 120 days to spend the first 50 percent of the allocation and what is not spent could become eligible for redistribution to other States if Indiana has spent their allocations.

**Rail Transit**

Altman stated she and Davis went to INDOT (Indiana Department of Transportation) to show video footage of how to replace railroad track without going outside the right of way. The concept was to ask INDOT if there was stimulus money or if they could cooperate with us so we could replace the entire track on the Hoosier Heritage Port Authority without right of way needs. The entire track does need replaced; the current weight of the rail is 90 pounds, the preferred weight is 110 pounds. The heavier weight will provide a smoother ride for commuters. Altman reported that most of the railroad ties are need of replacement. Neal stated most of the metal is 70 years old; the metallurgy was not as tight as it is now.

**ISSD Purchase Order [2:24]**

Ms. BJ Casali requested approval of a Purchase Order for NETCH in the amount of \$9,282.20. This is for the purchase of CISCO equipment to connect the Parks Department maintenance building and nature center to the fiber ring. The Parks Department will be paying the cost. Dillinger moved to approve. Altman seconded. Motion carried unanimously.

**BID AWARD**

**CDBG Housing Rehabilitations**

Mr. Mark McConaghy recommended the bids for the housing rehabilitation projects funded by the CDBG (Community Development Block Grant) be awarded to Yancey and Associates. The homes are located at 508 Plum Street, Noblesville and 12429 Ensley Place, Fishers. Dillinger moved to approve. Altman seconded. Motion carried unanimously.

**Request for Release of HUD Funds**

McConaghy requested the President's signature on the Request to Release HUD (Housing and Urban Development) Funds. Altman moved to approve. Dillinger seconded. Motion carried unanimously. The projects are:

- Noblesville – Target Area Improvements
- Fishers – Oldtown Infrastructure Improvements
- HAND – Storm Sewer Improvements
- Westfield – North East Street Sidewalk/Sewer Project

**COMMISSIONER COMMITTEE REPORTS**

**Transit Legislation**

Altman stated she is still concerned regarding the transit legislation and the flexibility of transit funding. HB 1607 was passed with almost identical language as HB 1660 in terms of Central Indiana having immediate funds available for transit and including us in regional structures for transit. Senator Kenley made the amendment to remove Central Indiana from that legislation, stripped it out of the Bill and said Central Indiana is not ready for transit, in his opinion, and Lake County should receive stimulus funds and should be the premiere example of transit.

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**Noblesville Sign Ordinance**

Howard reported the Noblesville Sign Ordinance Amendment will be before the Noblesville Plan Commission for public hearing next week. The proposed amendment will be a 10 second change in text (the most frequently it could change). The Ordinance should be in effect within three (3) to five (5) weeks.

Altman asked if we can only advertise events going on at the Fairgrounds? Holt stated it can only be a 24 hour sign change. Howard stated the Ordinance will state the sign is to promote events on that site or for your unit of government. Altman stated she drove past the sign last week and there was nothing on it; it seems that we should have a message on the sign at all times.

**ATTORNEY**

**Certificates of Substantial Completion – Jail Project**

Howard requested approval of the Certificates of Substantial Completion on Phase I, North Jail Addition and Services Building. Altman moved to accept. Dillinger seconded. Motion carried unanimously.

- Mars Telecommunications
- MacDougall Pierce Construction, Inc.
- Stone City Ironworks, Inc.
- Complete Masonry Services
- Indianapolis Roofing & Sheet Metal
- Keusch Glass, Inc.
- Jack Laurie Commercial Floors
- Odle, Inc.
- C & T Design and Equipment Company, Inc.
- Dalmation Fire, Inc.
- Poynter Sheet Metal, Inc.
- Gaylor, Inc.

**Debris and Trash in Right of Way**

Howard provided the Commissioners a copy of Hamilton County Code 36-9-30-34 regarding debris and trash in right of way.

**Dirt & Debris on Roadways**

Howard provided the Commissioners a copy of an ordinance introduced February 2, 2008 concerning mud tracked onto roads.

**First Indiana Bank Building**

Howard reported he is still working on the appraisal on the First Indiana Bank Building to complete the Capital Asset Form. Howard requested another 90 days to complete the form.

**St. Vincent's Hospital Association Appointment**

Howard stated he has written to the CFO of St. Vincent's Hospital regarding the appointment to the Hospital Association of Hamilton County for St. Vincent's Hospital and requested waiting two (2) weeks to know if we need to make an appointment.

**Redevelopment Commission Appointment**

Howard requested authority to write a letter for the President's signature to the Hamilton County Council concerning the appointments to the Hamilton County Redevelopment Commission. Dillinger moved to approve. Altman seconded. Motion carried unanimously.

**LPA Training Representative**

Altman asked if the Commissioners have named a designee for LPA (Local Public Agency) contract training? Davis stated all of the highway engineering staff will be attending the training. There needs to be a minimum of one person on staff that goes through the training every two years.

**Liability Trust Claim**

Howard requested approval of a Liability Trust Claim payable to Michael A. Howard in the amount of \$7,650.50 for services rendered for the period of January 27, 2009 through April 13, 2009. Dillinger moved to approve. Altman seconded. Motion carried unanimously.

**ADMINISTRATIVE ASSISTANT [2:37]**

**Hoosier Heritage Port Authority Agenda**

Swift distributed a copy of the meeting agenda for the Hoosier Heritage Port Authority.

**Capital Improvement Board**

Swift reported Indianapolis Mayor Ballard's plan for funding of the Capital Improvement Board includes slot machines in downtown Indianapolis.

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**4-H Storage Building Rental Bids**

Swift spoke with Lisa Hanni at the 4-H Fairgrounds and the current renter was aware that bids were due today. She does not know why they did not submit a bid and she will contact him.

**Seasonal Ice Rink**

Swift stated Noblesville Main Street is interested in building a seasonal ice rink on the west grassy area behind the Judicial Center from late November 2009 thru February 2010. The rink would be 40' x 80'. A commercial vendor would set up the rink and operate it. Dillinger stated if we want to consider and promote this the logical thing would be to incorporate a permanent rink with it being a reflection pool in the warmer months and an ice rink in the winter. Altman stated it would depend on the cost and are we not reserving this space for future building expansion? Holt stated the PSI transformer is in the middle of the property, which they will not bury. Dillinger stated if this was done correctly and Noblesville Main Street and the City of Noblesville want to cooperate this is something we should look at. Holt stated South Haven, Michigan built a pavilion for the Farmer's Market and ice it in the winter for skating. It is a roofed building so every time it rains it does not ruin the ice. If they want to do this they should do it in Forest Park under one of the Pavilions so the rain and snow do not ruin the ice. Dillinger stated they are also considering the area where the Noblesville Farmer's Market is held, but it would not be under roof. Holt stated the Hamilton County 4-H Fairgrounds would also be a good place as there is parking and roofs; without a roof it is problematic. Altman stated she is not opposed to it but the question is liability. The Commissioners asked Mr. Swift to pass on the recommendations of a roofed building, use of Forest Park or the Fairgrounds.

**April 27, 2009 Meeting**

Swift reported George Kristo will be presenting his awards on April 27 at 4:30 p.m. The students can not get here before 4:30. Swift asked if the Commissioners want to move the entire day's agenda back one hour to avoid the gap between the end of the meeting and the awards? Holt stated the issue last year was they were told it was 4:00 p.m. and the students did not show up until 4:30. Holt asked Swift to ask George Kristo to let him know earlier in the year so they can adjust their meeting schedule for the day.

Dillinger suggested meeting with the Judges at 3:30 p.m. regarding their proposals for the Jail overcrowding. Sheriff Carter will send a notice to the Judges.

**National Day of Prayer**

Swift stated Tom Burton, Sheriff's Chaplain, has requested permission to use the War Memorial Plaza on May 7, 2009 at 12:00 noon for celebration of the National Day of Prayer. Dillinger so moved. Altman seconded. Motion carried unanimously.

**National Weights and Measures Conference**

Swift stated Carey Woodward has requested permission for him and Mike Thomas to attend the National Conference on Weights and Measures July 12-16, 2009 in San Antonio, Texas. He does have the money in his budget. The Commissioner's consensus was not to allow the trip due to economic reasons.

**Carmel Parks and Recreation Wage Committee Appointment**

Swift stated the Carmel Parks and Recreation Department has requested an appointment to a Wage Determination Committee. They recommend David Landon. Dillinger so moved. Altman seconded. Motion carried unanimously.

**Tax Bills**

Swift requested permission to put out a press release regarding this year's tax bills. The Commissioners agreed to the press release and asked Swift to work with Dawn Coverdale.

**Boston Tea Party**

Swift stated there will be a Boston Tea Party to protest taxes held on the courthouse lawn on April 15, 2009 at 12:00 noon

**AUDITOR [3:00]**

**Cost Allocation Plan**

Ms. Dawn Coverdale presented copies of the 2007 Countywide Cost Allocation Plan. Coverdale requested approval of a proposal from Malinowski Consulting, Inc. for the preparation of the 2008 Annual County-Wide Cost Allocation Plan. Coverdale recommended Option B for the Years ending December 31, 2008, 2009 and 2010 at a fee of \$11,000 each or \$33,000 Total. Howard confirmed the subject to funding language is included in the agreement. Dillinger moved to approve. Altman seconded. Motion carried unanimously.

**Congressional School Fund Report**

Coverdale requested approval of the Congressional School Fund Annual Report. Dillinger moved to approve. Altman seconded. Motion carried unanimously.

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Release of Bonds/Letters of Credit – Drainage Board

Coverdale requested approval of the release of Bonds and Letters of Credit for the drainage board. Dillinger moved to approve. Altman seconded. Motion carried unanimously.

- HCDB-2001-00115 (HCDB-B01-005) Fidelity and Guaranty Insurance Company Performance Bond No. 400SE0453 for the Paulsel & Paulsel Drain reconstruction in the amount of \$10,000.
- HCDB-2007-00062 – Indiana Members Credit Union Irrevocable Standby letter of Credit #131 for New Life Assembly of God for reconstruction of county McMahon Drain in the amount of \$38,000.

Liability Trust Claim

Coverdale requested approval of a Liability Trust Claim payable to Aim Right, Inc. in the amount of \$409.75 for fire extinguisher training. Altman moved to approve. Dillinger seconded. Motion carried unanimously.

Vendor and Payroll Claims

Coverdale requested approval of the Vendor Claims paid April 15, 2009 and Payroll Claims for the period of March 9-22, 2009 paid April 3, 2009. Dillinger moved to approve the Vendor Claims and Payroll Claims. Altman seconded. Motion carried unanimously.

Altman moved to adjourn. Dillinger seconded. Motion carried unanimously.

Correspondence

- Notice of Public Hearings  
2375 Pleasant Street – Noblesville
- Notice of Disclosure Statement Hearing  
Charter Communications, Inc.
- IDEM Notice of Sewer Permit Application  
The Meadows of Shelborne at Deer Path, Section Ten A – Noblesville  
Plum Tree Gardens – Noblesville  
Spicewood Garden Apartments – Sheridan  
Village of WestClay Prudentia Building – Carmel
- IDEM of Air Permit  
Clarion Saxony Medical Center – fishers
- IDEM CAFO NPDES Permit Renewals  
Bryant Premium Pork LLC – Atlanta
- IDEM Notice of Construction Permit Application  
The Legacy Master Infrastructure, Phase 2 - Carmel

Present

- Christine Altman, Commissioner
- Steven C. Dillinger, Commissioner
- Steven A. Holt, Commissioner
- Dawn Coverdale, Auditor
- Fred Swift, Administrative Assistant to Commissioners
- Kim Rauch, Administrative Assistant to Auditor
- Michael Howard, Attorney
- Doug Carter, Sheriff
- Brad Davis, Highway Director
- Jim Neal, County Highway Engineer
- Joel Thurman, Highway Project Engineer
- Dave Lucas, Highway Staff Engineer
- Tim Knapp, Highway Right-of-Way Manager
- Matt Knight, Highway Bridge Program Engineer
- Faraz Khan, Highway Staff Engineer
- Bob Davis, Highway Superintendent
- BJ Casali, ISSD Manager
- Mark McConaghy, Noblesville Housing Authority
- Patti Smith, Beam, Longest & Neff
- Floyd Burroughs, Floyd E. Burroughs & Associates
- Fred Johnson, 146<sup>th</sup> Street Road Cuts
- Paul McDowell, 146<sup>th</sup> Street Road Cuts
- Nancy Thomas, 146<sup>th</sup> Street Road Cuts
- Gregg Leppert, 146<sup>th</sup> Street Road Cuts
- Kent Watson, Cargill

APPROVED  
HAMILTON COUNTY BOARD OF COMMISSIONERS

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ATTEST

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Dawn Coverdale, Auditor